

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., a Delaware
corporation; AMAZON.COM SERVICES
LLC, a Delaware limited liability
company; and THERABODY, INC., a
Delaware corporation,

Plaintiffs,

v.

ZHAO LIMIN, *et al.*,

Defendants.

Case No. C23-931-RSM

ORDER GRANTING PLAINTIFFS' *EX*
PARTE MOTION FOR ALTERNATIVE
SERVICE ON DEFENDANT MAO
HAIFENG

I. INTRODUCTION

This matter comes before the Court on Plaintiffs Amazon.com, Inc., Amazon.com Services LLC, and Therabody, Inc. (collectively, "Plaintiffs")' *ex parte* Motion for Alternative Service to effect service on Defendant Mao Haifeng by email. Dkt. #18. Defendants have not appeared in this matter. For the reasons set forth below, the Court GRANTS Plaintiffs' Motion.

II. BACKGROUND

On June 21, 2023, Plaintiffs filed this action against Defendants, alleging Lanham Act violations for trademark infringement, false designation of origin, and false advertising, as well as violations of the Washington Consumer Protection Act related to Defendants' unlawful sale of counterfeit Therabody-branded products in the Amazon store. Dkt. #1.

1 While Plaintiffs have initiated service on the other defendants, Plaintiffs have failed to
2 locate a valid physical address for Defendant Mao Haifeng. Dkt. #18 at 2. Plaintiffs conducted
3 investigations into Defendant Mao's selling account, including obtaining information from
4 payment service providers related to Defendant Mao's virtual bank accounts linked to the selling
5 accounts. *Id.* at 4. This information included a physical address, but Plaintiffs' on-site
6 investigators confirmed that Defendant Mao is not located at the provided address, and the
7 address was not connected to any Defendants. *Id.* at 5. However, Plaintiffs were able to uncover
8 three emails related to Defendant Mao's Amazon selling account and virtual bank account. *Id.*
9 at 5-6. These email addresses are the primary means of communication from Amazon to
10 Defendant Mao. *Id.* at 6. Plaintiffs state that they have confirmed the email accounts remain
11 active. *Id.*

12 III. DISCUSSION

13 A. Legal Standard

14 Federal Rule of Civil Procedure 4(f) provides for service of an individual in a foreign
15 country "by any internationally agreed means of service that is reasonably calculated to give
16 notice, such as those authorized by the Hague Convention . . ." or "by any other means not
17 prohibited by international agreement, as the court orders." Fed. R. Civ. P. 4(f)(1), (3). Courts
18 have permitted service by email where it is the only method reasonably calculated to apprise a
19 defendant of the pendency of the action. *See, e.g., Rio Properties, Inc. v. Rio Intern. Interlink*,
20 284 F.3d 1007, 1016–18 (9th Cir. 2002); *Xcentric Ventures, LLC v. Karsen, Ltd.*, 2011 316966
21 (D. Ariz. 2011).

22 China, like the United States, is a signatory to the Hague Convention, and although the
23 Hague Convention is silent regarding service by email, courts in this district regularly authorize
24 requests for service by email on foreign defendants in countries that are parties to the Convention.

1 See, e.g., *Amazon.com Inc. v. Sirowl Tech.*, No. 220CV01217RSLJRC, 2020 WL 7122846, at *3
2 (W.D. Wash. Dec. 4, 2020); *Will Co. v. Kam Keung Fung*, No. 3:20-CV-05666-RSL, 2020 WL
3 6709712, at *2 (W.D. Wash. Nov. 16, 2020). Here, as in *Sirowl* and *Will Co.*, Plaintiffs have
4 demonstrated an inability to obtain valid physical addresses for Defendants Mao. Furthermore,
5 Plaintiffs have shown that Defendant Mao conducts business through the Internet such that
6 “service by email will provide defendant[] with sufficient notice and an opportunity to respond.”
7 *Sirowl Tech.*, 2020 WL 7122846, at *3. Accordingly, the Court finds that service by email is
8 appropriate. Plaintiffs’ Motion for Alternative Service on Defendant Mao is therefore granted.

9 IV. CONCLUSION

10 Accordingly, after reviewing the relevant pleading and the remainder of the record, the
11 Court hereby finds and ORDERS that Plaintiffs’ *ex parte* Motion for Alternative Service, Dkt.
12 #18, is GRANTED. Plaintiffs are authorized to serve Defendant Mao Haifeng via the following
13 email addresses and should provide confirmation of completed service by email to the Court:

- 14 a. qisheng0008888@outlook.com;
- 15 b. huang000703@outlook.com; and
- 16 c. 190806722@qq.com.

17
18 DATED this 9th day of July, 2024.

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21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE
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